761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 15, 2011

OFFICE CORRESPONDENCE FILE NO. SH22494964

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOESPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY MIKE BARRAZA #[redacted]
TWIN TOWERS CORRECTIONAL FACILITY

On August 7, 2009, at approximately 2255 hours, while off duty, Deputy Barraza stopped at the drive-through window of Doublz Burgers in Santa Fe Springs. As he waited in his personal vehicle for the food to be delivered, his vehicle was struck from behind by a white 1995 Volvo wagon driven by Louis Sandoval. Shortly thereafter, the Volvo struck his vehicle from behind a second time. The driver began yelling at Deputy Barraza, something to the effect of, "Yeah, I hit you! What are you gonna do about it?"

Deputy Barraza exited his vehicle in order to check the condition of his vehicle and confront the Suspect. The Suspect opened his car door and placed one foot on the ground as if to exit. Words were exchanged between Deputy Barraza and the Suspect and ultimately the Suspect pulled a pocket knife from his waistband and waved it around with his right hand. Deputy Barraza drew his issued Beretta pistol and badge and identified himself as a Deputy Sheriff. He ordered the Suspect to stay in his car. He handed his cell phone to the drive-thru window attendant, again identified himself as a Deputy Sheriff, and requested the attendant call 911 for help.

Again Deputy Barraza ordered the Suspect to stay inside his car and to drop the knife, in which he complied. The Suspect continued to taunt Deputy Barraza. The Suspect then reached his hands out of Deputy Barraza's view as if retrieving a weapon from his waist area. Fearing he was about to be assaulted by a belligerent Suspect he knew to be armed with at least a knife, Deputy Barraza fired one round from his pistol at the Suspect, striking his upper torso.

The Suspect ceased his resistance and Whittier Police Officers arrived and ultimately assisted in providing medical care to the Suspect until the arrival of fire personnel.

The Suspect was transported to Saint Francis Medical Center where he was treated for a single gunshot wound to his chest. Deputy Barraza was uninjured.

On March 10, 2011 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Mike Barraza #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Barraza in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

SH2249964

Table of Contents

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 05/27/10	Bureau/Station/Facility: Twin Towers	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 009-00094-3199-056	Date: 08/30/09	Time: 2255
City or Station: Santa Fe Springs	Nature of Incident: Hit shooting	
Location: 11242 Washington Blvd		

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
Backyard	Darkness	Accidental	Arrest Warrant
Beach	Daylight	**Armed Person** (circled)	Call
Business	Other	Fleeing Suspect	**Observation** (circled)
Freeway	**Street Lights** (circled)	Foot Pursuit	One Person Unit
Industrial	**Weather (*circle only one*):**	Gun Take Away	Other
Park	**Clear** (circled)	Moving Vehicle	Search Warrant
Parking Lot (circled)	Cloudy	Sniper/Ambush	Two Person Unit
Residence	Fog	Startle	**Prior Activity (*circle only one*):**
Rural	Rain	Struggle Involved	Detective
School	Distance: Approximately 5 feet	Traffic Stop	Inmate Transport
Street		Unarmed Person	**Other** (circled)
Other: drive-thru lane		Unintentional	Routine Patrol
Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Vehicle Pursuit	Aero Unit? ☐
		Warrant Service	Canine Unit? ☐
		Warning Shot	
		Other: off duty	

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
	None			EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
See Page 3 of summary				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
	N/A			On Duty / Present during shooting / Witness to shooting / Involved in shooting
				On Duty / Present during shooting / Witness to shooting / Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	N/A		

Watch Commander

Employee #	Last Name	First Name	M.I.
	N/A		

PSTD Use Only
SH # ____________

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 009-00094-3199-056

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08/31/09			

Employee #	Last Name	First Name	M.I
[redacted]	Bly	David	
[redacted]	Gealta	Diana	
[redacted]	Jensen	Curtis	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E-1	S-1	FH	BR	9	Y	Y	GS	CH

Officer Involved Shooting
Involved Employee Information

URN: 009-00094-3199-056

Involved Employee

E 1

Employee #: 527686	Last Name: Barraza	First Name: Mike	M.I.:
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: TTCF	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM **(PM)** Day	ShiftType (*circle only one*): Regular Overtime **(Off Duty)**	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 2-3	Duty Time (hrs): [redacted]	Clothing (*circle only one*): **(Plain Clothes no Vest)** Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors: off duty
Age: 22 Height: 508	Weight: 165		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9MM	# Shots: 1	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #:	Last Name: N/A	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

E __

Employee #:	Last Name:	First Name:	M.I.:
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber:	# Shots:	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

E __

Employee #:	Last Name:	First Name:	M.I.:
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber:	# Shots:	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

See Other Side

Officer Involved Shooting
Suspect Information

URN: 009-00094-3199-056

Suspect Information

S 1

Last Name: Sandoval	First Name: Luis	M.I.
AKA Last Name:	First Name:	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: Unknown	Home Phone: Unknown	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 40 D.O.B. 08/08/71	Height: 604 Weight: 220	FBI # [redacted]	CII # [redacted]
Booking # 2044459	Primary Charge: 417.8 P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used: Alcohol
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Volvo Ca[redacted]		Model: 4 door 850	Year: 1995

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name		First Name		M.I.
See Pages 2 and 3 of summary				
Street Address		**Zip Code**	**Work Ph**	**Home Ph**
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address		Zip Code	Work Ph	Home Ph

INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB CASE NUMBER SH2249964
URN #009-00094-3199-056

On August, 2009, at approximately 0045 hours, Sergeants David Bly and Diana Gealta along with Lieutenant Curtis Jensen responded to 11242 Washington Blvd, Whittier, regarding an off duty deputy involved hit shooting involving personnel from Twin Towers Custody Facility. Homicide Investigators Karen Shonka and Wayne Holston responded to conduct the criminal investigation.

On Sunday, at approximately 2255 hours, while off duty, Deputy Barraza stopped at the drive-through window of Doublz Burgers in Santa Fe Springs. As he waited in his personal vehicle for the food to be delivered, his vehicle was struck from behind by a white 1995 Volvo wagon driven by Louis Sandoval. Shortly thereafter, the Volvo struck his vehicle from behind a second time. The driver began yelling at Deputy Barraza, something to the effect of, "Yeah, I hit you! What are you gonna do about it?"

Deputy Barraza exited his vehicle in order to check the condition of his vehicle and confront the Suspect. The Suspect opened his car door and placed one foot on the ground as if to exit. Words were exchanged between Deputy Barraza and the Suspect and ultimately the Suspect pulled a pocket knife from his waistband and waved it around with his right hand. Deputy Barraza drew his issued Beretta pistol and badge and identified himself as a Deputy Sheriff. He ordered the Suspect to stay in his car. He handed his cell phone to the drive-thru window attendant, again identified himself as a Deputy Sheriff, and requested the attendant call 911 for help. Simultaneously, Deputy Barraza told a woman who had entered the drive-through behind the Suspect to leave the location. The unidentified woman, drove across the street where she summoned a Whittier Police Officer she saw in the parking lot.

Again Deputy Barraza ordered the Suspect to stay inside his car and to drop the knife, in which he complied. The Suspect continued to taunt Deputy Barraza. The Suspect then reached his hands out of Deputy Barraza's view as if retrieving a weapon from his waist area. Fearing he was about to be assaulted by a belligerent Suspect he knew to be armed with at least a knife, Deputy Barraza fired one round from his pistol at the Suspect, striking his upper torso.

The Suspect ceased his resistance and Whittier Police Officers arrived and ultimately assisted in providing medical care to the Suspect until the arrival of fire personnel.

The Suspect was transported to Saint Francis Medical Center where he was treated for a single gunshot wound to his chest. Deputy Barraza was uninjured.

IAB Note: The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime Lab personnel, Homicide investigator's observations, as well as information obtained from the original crime report and supplemental reports along with interviews of the involved employee and witnesses. (*Refer to Exhibits A through D)*

INVOLVED PERSONNEL

Barraza, Mike, Deputy Sheriff, #[redacted]
Custody Division
Twin Towers Custody Facility

Work History

Date of Employment	06/11/2007
Academy Graduation	[redacted]
Date Assigned to TTCF	11/04/2007
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	[redacted]
Prior Shooting Incidents	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT

Sandoval, Louis, MH/38, DOB: 08/08/71 Booking #2044459

Suspect Sandoval's Consolidated Criminal history Report (CCHRS) [redacted]

IAB Note: See to Exhibit "A" pages 95-103 for further information.

SWORN WITNESSES

Castaneda, Raymond, Deputy Sheriff #[redacted]
Pico Rivera Station
Field Operations III

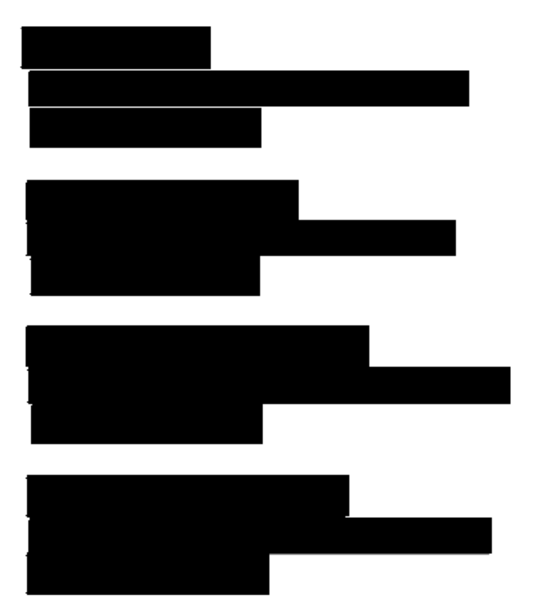
[redacted] Police Officer, #[redacted]
Whittier Police Department
7315 Painter Ave Whittier 90602
(562) 945-8250

[redacted] Police Officer, #[redacted]
Whittier Police Department
7315 Painter Ave Whittier 90602
(562) 945-8250

[redacted] Police Officer, #[redacted]
Whittier Police Department
7315 Painter Ave Whittier 90602
(562) 945-8250

[redacted] Police Officer, #[redacted]
Whittier Police Department
7315 Painter Ave Whittier 90602
(562) 945-8250

CIVILIAN WITNESSES



[redacted]

[redacted]

[redacted]

[redacted]

SUSPECT INJURIES

Suspect Sandoval was transported via ambulance to Saint Francis Medical Center, 3630 East Imperial Highway, Lynwood, (310) 900-8900, where he was treated by Doctor Frederick Stafford for a single gunshot wound to the left side of his chest.

IAB Note: See Exhibit "A" page 20, for supplemental report authored by Whittier Police Officer [redacted] #[redacted] noting the doctor's statement.

DEPUTY INJURIES

None

PHYSICAL EVIDENCE

The following items of evidence were collected from 11242 Washington Blvd, Santa Fe Springs:

EV-1	Expended cartridge casing located on the ground, to the rear of Deputy Barraza's vehicle, near the east exterior wall of the restaurant.
EV-5	A folded pocket knife located in the front passenger seat of the Suspect's vehicle.
EV-C	White paint transfer on the east exterior wall of the restaurant where the Suspect's was originally parked in the drive-thru lane.

IAB Note: See Exhibit "B" for Crime Scene Investigator photographs and a CD containing all CSI photographs.

IAB Note: See Exhibit "A" pages 74-86 for crime scene diagrams, and additional Crime Scene Investigator's reports for further information.

A review of Pico Sheriff Station 911 calls revealed the following:

2255 hours: The caller [redacted] advised two customers were fighting, no weapons seen. Pico Desk advised the caller he was in Whittier Police jurisdiction and transferred him to the Whittier Police Department. The caller stated the males were involved in a fight and one of the males was a "cop". The caller stated he just heard a gun shot in the drive-thru and saw a police car pull into the drive-thru lane.

A review of Whittier Police Department 911 calls revealed the following:

2356 hours: A telephone call regarding a fight call at Doublz Restaurant was transferred from Pico Sheriff's Station to Whittier Police Department. The caller [redacted] stated two males were involved in a fight and one of the males was a "cop". The caller stated he just heard a gun shot in the drive-thru and saw a police car pull into the drive-thru lane.

A review of Whittier Police Department radio traffic revealed the following:

2256 hours: Unit 314 advised 10-33, gunshots at Doublz, unknown if a 211 Now or if suspects were shooting at him. Requested units code-3.

2257 hours: Units responding, unit 314 request paramedics and advised the "suspect" identified himself as a Deputy Sheriff. Unknown unit advised "998."

2258 hours: Unit 898 advised the Deputy was walking out to the front toward him. Unit 898 advised unit 314 was with the subject who was shot and requested paramedics to respond to the drive-thru lane.

2259 hours: Numerous units arrive at the scene. Unit 237 requested a Norwalk Sheriff Supervisor to respond to the location. Unknown unit advised LASO was "97."

A review Doublz's security video revealed the following:

Note: The following times were documented from the video tape time stamps noted on each individual camera.

Camera #10 (outside camera facing south, capturing the westside of the location and the start of drive-thru lane):

2229:50 hours: A white vehicle (suspect's car) was seen entering the drive-thru lane.

2230:25 hours: A small SUV was seen entering the drive-thru lane (the unknown female informant):

Camera #11 (outside camera facing north, capturing the beginning of the drive-thru lane and the drive-thru lane as it approaches the drive-thru window):

2229:50 hours: A white vehicle (suspect's car) was seen entering the drive-thru lane.

2230:25 hours: A small SUV was seen entering the drive-thru lane (the unknown female informant).

2230:26 hours: Both vehicles can be seen, the Suspect's vehicle is seen approaching the drive-thru widow area.

Camera #4 (inside camera of the drive-thru window):

2233:47 hours: Deputy Barraza exited his vehicle and talked to [redacted] through the drive-thru window.

2234:34 hours: The [redacted] looked out the window toward the Suspect's vehicle.

2236:04 hours: Another [redacted] joined the first [redacted] and also looked out the window.

2236:21 hours: A third [redacted] joined the other two [redacted] and is seen talking on a cell phone. He also looked out the window.

Camera #15 (outside camera facing south capturing the eastside of the location, including the drive-thru lane and window):

Note: There is a canopy above the drive-thru window that blocked the view of Deputy Barraza's contact with the Suspect, including the actual shooting.

2229:25 hours: Deputy Barraza is seen at the drive-thru window seated in his vehicle.

2230:33 hours: The Suspect drove into the drive-thru lane and stopped behind Deputy Barraza.

2231:22 hours: The Suspect bumped into Deputy Barraza's vehicle.

2231:31 hours: A small SUV drove into the drive-thru lane and stopped behind the Suspect's car.

2233:02 hours: The Suspect backed up and then drove forward hitting Deputy Barraza's vehicle.

2233:36 hours: Deputy Barraza opened his door and exited the vehicle. Deputy Baraza enter his vehicle, retrieved a handgun and holstered it in his waistband. Deputy Barraza exited his vehicle and moved toward the Suspect's car, stopping in front of the driver's side front tire.

2234:00 hours: The small SUV backed out of the drive-thru lane. Deputy Barraza is still at the front of the Suspect's vehicle and remained there.

2238:37 hours: Vehicle lights can be seen pulling into the drive-thru lane and then the lights turn off.

2239:31 hours: Whittier Police Officer [redacted] can be seen approaching down the drive-thru lane on foot.

2240:40 hours: Deputy Barraza is seen walking north toward Washington Blvd. and exiting the drive-thru lane.

IAB Note: See Exhibit "D" for three CD containing the 911 calls, radio traffic, and Doublz's security video.

INVESTIGATORS OBSERVATIONS

The physical evidence at 11242 Washington Blvd, Santa Fe Springs, appeared to be consistent with witness's and Deputy Barraza's versions of events.

WEAPONS USED BY DEPUTY PERSONNEL

Barraza, Mike, Deputy Sheriff

Service Weapon: Department authorized/issued Beretta 9mm, Model 92FS, semi-automatic pistol, serial number BER[redacted]

Ammunition: Luger, 9mm, one round fired with fifteen rounds left in weapon.

Shell Casings: A total of one expended shell casing was found at the shooting scene near where Deputy Barraza reported shooting from.

Date last qualified: [redacted]

WEAPONS USED BY SUSPECT SANDOVAL

Pocket folding knife.

PROPERTY DAMAGE

Minor damage to Deputy Bareaza's vehicle rear bumper area.

Minor damage to the Suspect's vehicle front bumper.

CRIMINAL INVESTIGATOR/CHARGES FILED

Homicide Investigator Karen Shonka filed the following charges against the Suspect at Whittier Superior Court, 245(a)(1) P.C., 243(b) P.C., 23152(a) and (b) CVC, and 14602.2(1) CVC under court case number 9WW06482. The case is set for jury trial on June 6, 2010.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during night time hours. The weather was warm and clear with lighting from a street lamp approximately 65 feet north from the shooting scene.

INVOLVED/SUBJECT EMPLOYEE STATEMENTS

Deputy Michael Barraza, #[redacted]Twin Towers, was interviewed on August 31, 2009 at 0345 hours by Homicide Detectives Karen Shonka and Wayne Holston. He was also interviewed on May 13, 2010 at 0948 hours by IAB sergeants David Bly and Brenda Parker. The interview took place at Internal Affairs Bureau and both interviews were recorded for review. The following is a summary of both interviews.

Deputy Barraza said after his PM shift at Twin Towers, he drove to his old apartment located at [redacted] to met his [redacted] He said after they loaded items into his [redacted] vehicle, he subsequently, drove to Doublz restaurant to pick up food for him and his [redacted]

Deputy Barraza said he arrived at Doublz between 2245 and 2300 hours. He said he was driving his 2004 Mitsubishi Gallant and ordered food via the drive-thru speaker located in the rear (south end) of the location. He said after ordering, he drove up to the drive-thru window (located on the northeast side of the restaurant).

Deputy Barraza said while he waited for his order, a vehicle bumped into his rear bumper. He said, "Well, a white car that was behind me...I guess he had placed an order as well. And he was waiting behind me, behind me while I was at the drive-thru window. He, he bumped into me. He, with his car, bumped into my car. My, the rear end of my car."

Deputy Barraza said he did not think to much about the bump and moved up a few inches to give the Suspect room. He said the Suspect then hit him again, but that time was a hard hit. He said, "After he hit me the first time I moved up, gave him space. And he hit me again a second time. It made my body jerk as he hit me the second time." He said he turned around and looked at the Suspect who had a "normal" look on his face.

Deputy Barraza said he told the employee at the window that the Suspect had hit his car and then yelled out at the Suspect. He said, "I told the ah -- the teller that he was hitting my car. And then I told him -- I yelled out the window he was hitting my car. After I had told him, ah -- I had told him three times. One -- Once in English, once in Spanish and then again in English. Well, the first time he didn't -- he didn't respond to my -- what I -- what I had first said. I said, 'hey, you're hitting my car' and he had no response. So I thought he spoke Spanish. So I told him in Spanish. Then he said, 'huh', as if he didn't understand me. So I told him again in English."

Deputy Barraza said he gave the employee his cell phone and told him to call the police. He said, "After I, told him he was hitting my car, the Suspect, then told me to, ah -- well first he said, well, 'what the fuck are you going to do about it'? And at that point I told the teller, 'okay, it's an accident, call 911'. I told him I'm an off-duty deputy sheriff and call 911 because it's an accident.

Deputy Barraza said he thought the Suspect was becoming hostile and he thought it would be safer for him to exit his car. He said, "Well, my first mind-set was to check the damage of the car. But after I had told him that he was hitting my car, he yelled out the window and said...he opened his door actually. He opened his door and yelled out, what the fuck are you gonna do? And now I'm thinking he's hostile. So I better get out of my car now before he does anything to me. So I stepped out of my car."

Deputy Barraza said he had his department issued 9MM duty weapon on the seat next to him. He said he retrieved his weapon and holstered it in a flat holster located in his waistband. He said he exited his vehicle and moved toward the Suspect's. He said he did not think about driving out of the drive-thru lane and just observe the Suspect until the police arrived.

Deputy Barraza said he saw the Suspect had his car door open with his left foot out on the ground. He said he saw the Suspect was waving a pocket knife in front of his chest and the Suspect now had a angry look on his face. He said, "I exited my car. I went to go check the damage of my car. As I'm walking, his door was open. And from what I saw, I saw a black folded knife and he was waiving around." He said the knife was not in the open position and the Suspect was not say anything. He said, "I -- well, I recognized the knife to -- Well, as I recognized the object to be a knife, so I immediately drew my weapon on him. I told him I'm a deputy sheriff, put the knife down." He said the Suspect did not respond to him and still waved the knife around.

Deputy Barraza said he had his handgun in his right hand and his department issued ID and badge in his left hand. He said, "After he didn't respond the first time when I told him to put the knife down, I pulled out my badge and I showed him, 'I'm a deputy sheriff, put the knife down' and I showed him as I held it in my left hand. Approximately maybe three to four times I told him, to drop the knife. The last time I told him he put the knife down on the passenger seat."

Deputy Barraza said he had to pound on the Suspect's hood and kick at the Suspect's open door to get his attention. He said during this time another vehicle pulled in behind the Suspect. He said he showed the driver (NFD) his ID and badge and told the driver to exit and leave the drive-thru. He said the vehicle backed out and exited the drive-thru lane to the south.

Deputy Barraza said he yelled out to the [redacted] if he had called 911 and the [redacted] responded he did and they were en route. He said, "After I knew that they were on their way, like I said I -- I ordered him to step out of the vehicle. At that time he -- he refused. He said, 'fuck you, I don't give a shit who you are.' Started spitting at me. He threw his change (coins) at me and he said I wouldn't squeeze the trigger. And he started saying some belligerent things that didn't make sense."

Deputy Barraza said he was standing next to the driver's side front tire and the Suspect had his door open 12-15 inches, as measured from the upper door jamb to the door frame. He said he did not noticed if the car door window was rolled up or down. He said the Suspect spit at him several times and threw coins at him through the 12-15 inch space. He said, "He started cussing me out again, saying 'fuck you, squeeze the trigger', you know, 'you don't, you don't have what it takes, you have to give it a squeeze.' And I kept ordering to keep his hands up at that time, so...and he's just being belligerent and just saying things like, 'you don't know what family is, you don't know who I am.' He's like where, 'where did you come from.' I just, saying just, just being belligerent and just saying weird things to me."

Deputy Barraza said he placed his ID and badge on the Suspect's hood and used both of his hands to control his weapon as he covered the Suspect.

Deputy Barraza said, "Well, I realized he's not going to step out of the vehicle, so I ordered him to remain with his hands up in the air at least above the steering wheel where I could see them. He kept putting them below the dash. And, he would look down towards his legs as well put his hands below his, you know -- the dash where I couldn't see them anymore. So I, you know, I assumed he was reaching for something."

Deputy Barraza said the Suspect would comply and then not comply with his orders to keep his hands up. He said he told him four to five times to keep his hands up. He said, "When I told him a couple of times, he would put them back up. And then he would start saying belligerent things, starts cussing me out again. And then he would go back to doing it again."

Deputy Barraza said the Suspect's spit hit his legs and he was getting concerned because the Suspect continued to move his hands down to where he could not see them. He said, "Yes, sir, on my arms and legs. He would put his hands down towards his waist where I couldn't even see them anymore. And that's when I kept ordering to put his hands up, 'let me see your hands, stop fucking putting your hands down'. He would comply at certain times, but at the same time he would start saying, 'squeeze the trigger, you have to squeeze it, you can't just pull it, you have to squeeze it'. So I told him, so I basically told him, 'if you keep putting your hands down, I will shoot you'. He said, and he said, 'well, do it. Shoot me'. So he made a sudden movement towards his right, towards his right waist and pocket area. With his right hands. Very sudden movement where it scared me enough to where I fired my one round."

Deputy Barraza said also said, "As he continued doing that, I gave him his last warning. I said I will shoot you, if you put your hands down one more time. And he did it. He said, 'fuck you, do it, I don't give a shit'. And, he reached down towards his right waistband area and was looking down as he was doing it. And so I shot him once. I fired one round from my Berretta."

Deputy Barraza said the Suspect then complied with his orders. He said, "I could not see his waistband. I couldn't see his pocket. And once he put his hands down like that, I could no longer see his hands. So I'm thinking he already had a knife. He possibly has a gun. And probably would shoot me with it. So as soon as I fired my first round, he placed his hands up in the air. And complied with all my orders after that. I was able to gain full control of his hands after that."

Deputy Barraza said he pointed and fired his one round through the 12-15 inch opening from the open car door. He said he fired from the position near the Suspect's front driver's side tire. He said he did not move his feet, but shifted his body to reassess his view of the Suspect. He said the Suspect was holding his chest and he ordered him to put his hands up, in which he complied.

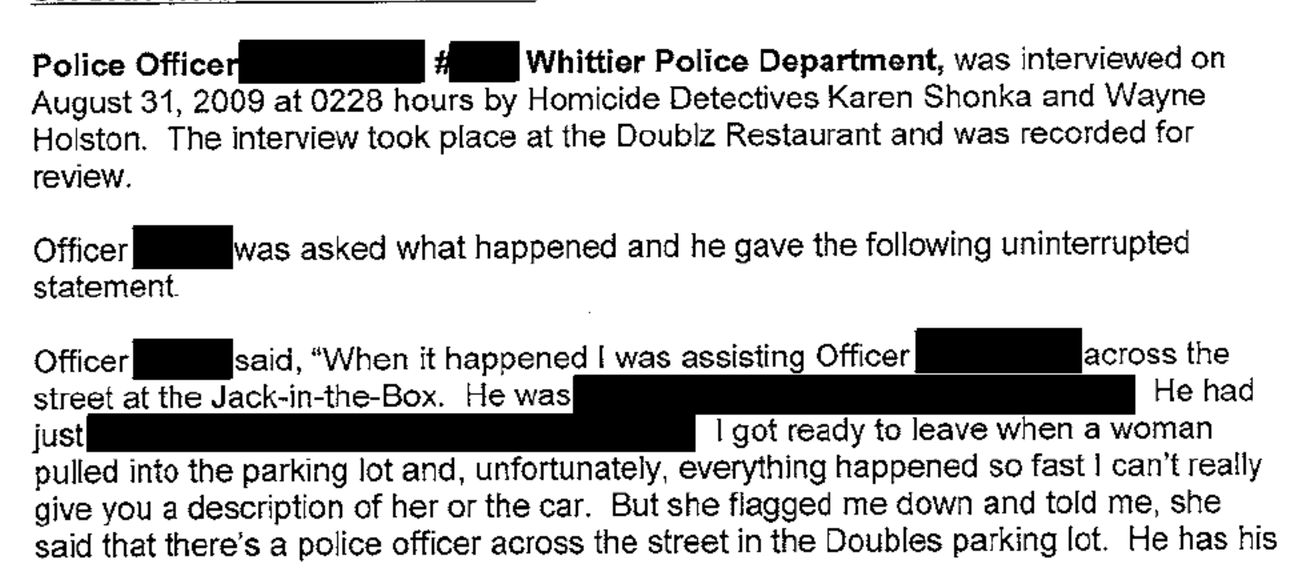
Deputy Barraza said he saw spot lights illuminating the area behind the Suspect's car and he saw, what he thought was a L.A. School Police Officer (actually Whittier Police), arrive at the south end of the drive-thru. He said, "No, I saw the spotlight and -- and the officer stepped out and I saw when he came around the corner. Well, the L.A. school police officer didn't know who I was. And he ordered me to put my weapon down, even though I had already identified myself as a Deputy. Put my weapon away. Place my hands on the hood of his car. Of the suspect's car. And while he had his weapon trained on the suspect, he then ordered me to, to go report to the other L.A. school police officer that was there as well as the Whittier PD had showed up."

Deputy Barraza said he could not smell any oders coming from the Suspect. He said, "I wasn't that close to him to smell anything strange. But the way he acted just seemed as if he was either on something or he's just not mentally stable. Just by what he was stating to me."

Deputy Barraza said he has not been assigned to a patrol station yet and this incident was his first high stress situation and shooting. He said, "I feared for my life at that time. You know, he had a knife. I didn't know any other weapons were in the car, could not see inside the car, could not see his hands, didn't know what weapons he had on his waistband and if he had any weapons on his waistband. So I was in fear for my life at that time."

IAB Note: For complete details of the interviews refer to a copy of Deputy Barraza's transcribed interviews.

SWORN WITNESS STATEMENTS



Police Officer [redacted] #[redacted] Whittier Police Department, was interviewed on August 31, 2009 at 0228 hours by Homicide Detectives Karen Shonka and Wayne Holston. The interview took place at the Doublz Restaurant and was recorded for review.

Officer [redacted] was asked what happened and he gave the following uninterrupted statement.

Officer [redacted] said, "When it happened I was assisting Officer [redacted] across the street at the Jack-in-the-Box. He was [redacted] He had just [redacted] I got ready to leave when a woman pulled into the parking lot and, unfortunately, everything happened so fast I can't really give you a description of her or the car. But she flagged me down and told me, she said that there's a police officer across the street in the Doubles parking lot. He has his

gun out. I think he needs your help. So she told me that information. And initially, I was kind of expecting an on-duty black and white kind of situation. Our radios also monitor Pico's, and it was on scan. I didn't hear any radio traffic with them, so I pull across the street and I go to the front of, across the drive through of Doubles. I looked down the driveway. I didn't see anything unusual. Any black and whites. I pulled into the parking lot to the rear of the Doubles here. I stopped my car. As soon as I stopped my car, I heard a single gunshot. So after I heard the gunshot, I got on our frequency, 10-33 traffic, shots fired, requesting assistance. I didn't know if this was a 211 in progress or someone was shooting at me. I didn't see where it came from. The (INAUDIBLE)."

"After the gunshot went off, I got out of my car, took cover behind my vehicle, just kind of assess the situation. I yelled out a couple time(s), Whittier Police. Identify yourself. Just trying to get a response from someone since they said it was a cop. I did this about three times. Finally on the third time, I yelled this out, I heard, I'm a Deputy, I need your help. I said, where are you at? And he replied, I'm in the drive-thru. So I, I went back to my car and I kind of used it for cover. And I think I was probably a car length to where it's currently at now. Just kind of moved forward to see what was going on. And I kept just kind of saying, where are you at in regards just to assess, you know, I can hear his voice so I can have an idea where he was. I came around the corner. As I pied it, I was able to look down the drive-thru, and I saw a guy who was later identified as the Deputy, holding a gun, I believe, in his right hand. And he had his badge and his I.D. held up in his left hand. And he told me...I wanna get this right, 'cause this is what I told the other Deputy...I'm a Deputy. He was going for his waistband. He has a knife. I just shot, is what the Deputy relayed to me."

"At that time, Officer [redacted] who was the officer I was just assisting from across the street...I saw that he was now parked in front of the drive-thru. I saw his unit positioned right there with his lights on. I looked at the Deputy, and because I was kind of rattled for a second just because I heard the gunshot, looking what was going on, looking at this guy. I wasn't comfortable with the Deputy being there. The gun in his hand. Just shot the guy. And I said, do me a favor, I don't know you. Go surrender yourself to that officer over there. I just kind of wanted him out of the picture at this point. The guy who was in the car, the gunshot victim, was in a white vehicle. I could see his hands. I looked in the vehicle. I seen on the passenger seat there was a black knife, which is in the folded position, and I saw he had a gunshot wound on his upper left kind of quadrant area and his abdomen below his chest. So I put on some gloves and began to administer first aid on this guy. Just kind of applied direct pressure and requested paramedics."

"And like I say, I already put out the 10-33. So at this point, a lot of other officers were starting to get on the scene. Who exactly they were and the order, I really can't tell you. This guy, the guy that had been shot, appeared to be going downhill pretty fast as far as he seemed to be kind of very sweaty, diaphoretic, losing some blood. And it looked like he was beginning to stop breathing. Where the car was positioned in the drive-thru was pretty close quarters to the wall. This guy was pretty big. And I felt that CPR may be imminent. The Fire Department wasn't on scene yet. So we roll back the car, and I

had two other officers who were bigger, take this guy out of the car, and we kind of laid him down on the sidewalk next to the vehicle where it's parked at now. And at that time, Santa Fe Springs Fire Engine 84, the paramedic team arrived on the scene, took over first aid, and that was pretty much my involvement."

Officer [redacted] said when he first approached the Suspect's car he noticed the car doors were closed. He said the Suspect's car was very close to Deputy Barraza's car, but did not know if they were touching or not.

Officer [redacted] said the Suspect did not say anything to him and he did not try to elicit a statement from him.

IAB Note: See Exhibit "A" pages 18 and 19 for a Whittier Police Department report written by Officer [redacted] Also, see pages 49-51 for Homicide's summary of their interview with Officer [redacted]

IAB Note: See Officer [redacted] transcribed interview for further information.

Police Officer [redacted] # [redacted] Whittier Police Department, was interviewed on August 31, 2009 at 0606 hours by Homicide Detectives Karen Shonka and Wayne Holston. The interview took place at the Doublz Restaurant and was recorded for review.

Officer [redacted] said he was at 11303 Washington Blvd (Jack-In-The-Box) [redacted] He said Officer [redacted] was there assisting him. He said a female approached them and said there was a under cover officer at the Doublz Restaurant that needed help.

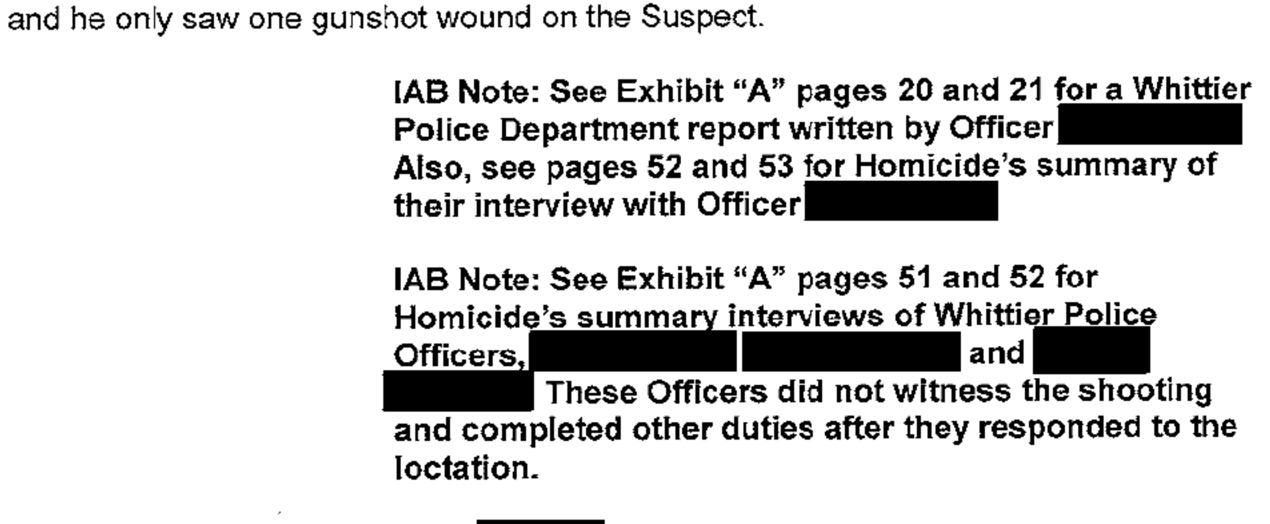
Officer [redacted] said after he [redacted] he drove to Doublz to help Officer [redacted] who had already responded to the location. He said as he approached the restaurant he heard one gunshot.

Officer [redacted] said he parked his vehicle in front of the location and saw Deputy Barraza standing in the drive-thru lane holding his badge in his right hand. He said he motioned to Deputy Barraza to walk toward him. He said he had Deputy Barraza sit on the curb.

Officer [redacted] said after he [redacted] he responded back to the Doublz. He said he was assigned to follow the ambulance transporting Suspect Sandoval to Saint Francis emergency room.

Officer [redacted] said the Suspect was treated by emergency room staff and Doctor Fredrick Stafford. Officer [redacted] said he saw a small gunshot wound to the left side of the Suspect's chest.

Officer [redacted] said Doctor Stafford told him the Suspect was in critical condition and he only saw one gunshot wound on the Suspect.



IAB Note: See Exhibit "A" pages 20 and 21 for a Whittier Police Department report written by Officer [redacted] Also, see pages 52 and 53 for Homicide's summary of their interview with Officer [redacted]

IAB Note: See Exhibit "A" pages 51 and 52 for Homicide's summary interviews of Whittier Police Officers, [redacted] [redacted] and [redacted] These Officers did not witness the shooting and completed other duties after they responded to the loctation.

Deputy Raymond Castaneda, #[redacted] Pico Rivera Station, wrote the first report under file number 009-00094-3199 where he stated the following.

Deputy Castaneda stated he was working unit 152D EM with Deputy Jennifer Hernandez and they responded to an assault with a deadly weapon call, tag 131. He stated one of the males in the call was possibly a Police Officer. He stated when they arrived at the 11242 Washington Blvd, he saw Whittier police officers were already at the scene.

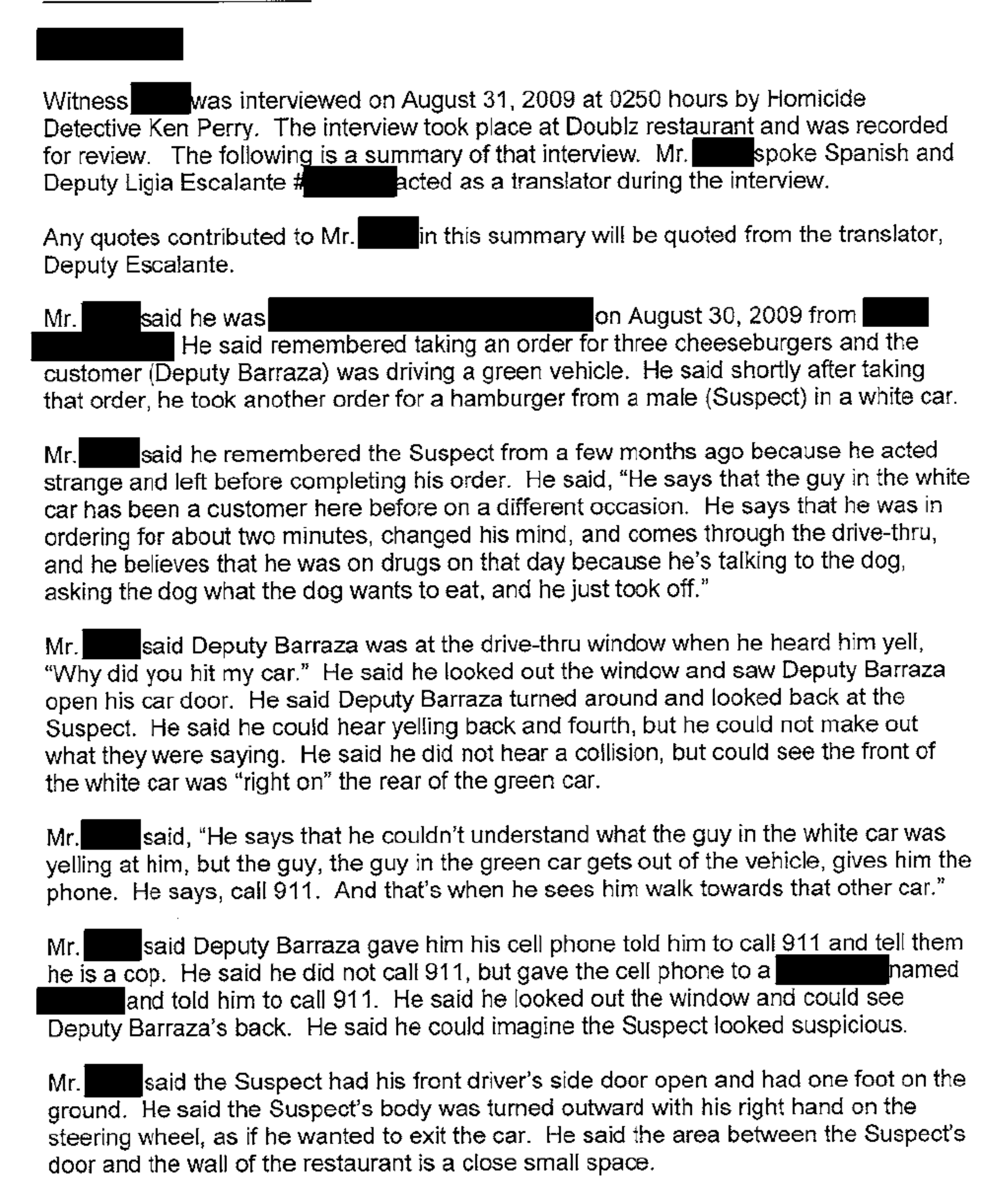
Deputy Castaneda stated he saw a two vehicles in the drive-thru lane. He stated the white vehicle's (Suspect's vehicle) front bumper had collided with the rear bumper of another vehicle (Deputy Barraza's Mistsubishi). He stated he saw an Officer detaining a male (Suspect) at gunpoint who was seated in the front seat of the white vehicle.

Deputy Castaneda stated the Suspect was holding his upper abdomen with both of his hands and his shirt was bloody. He saw the Officers were trying to keep the Suspect conscious and were trying to remove him from the car. He also stated he saw several Officers move the Suspect's vehicle back, so the could safely remove the Suspect from the car for medical treatment.

Deputy Castaneda stated he was told the Suspect was shot by an off duty Deputy Sheriff (Deputy Barraza). He stated he and Deputy Hernandez responded to Deputy Barraza who was just east of the location along with a Whittier Police Officer. He stated Pico Rivera Sergeant, Sergeant, Debbie Tombol was also with Deputy Barraza.

Deputy Castaneda stated Los Angeles County Fire Engine 84, under the command of Captain Hayward, responded to the location and treated the Suspect before he was transported to Saint Francis Medical Center.

IAB Note: See Exhibit "A" pages 1-13 for further information on Deputy Castaneda's report



CIVILIAN STATEMENTS

[redacted]

Witness [redacted] was interviewed on August 31, 2009 at 0250 hours by Homicide Detective Ken Perry. The interview took place at Doublz restaurant and was recorded for review. The following is a summary of that interview. Mr. [redacted] spoke Spanish and Deputy Ligia Escalante # [redacted] acted as a translator during the interview.

Any quotes contributed to Mr. [redacted] in this summary will be quoted from the translator, Deputy Escalante.

Mr. [redacted] said he was [redacted] on August 30, 2009 from [redacted] He said remembered taking an order for three cheeseburgers and the customer (Deputy Barraza) was driving a green vehicle. He said shortly after taking that order, he took another order for a hamburger from a male (Suspect) in a white car.

Mr. [redacted] said he remembered the Suspect from a few months ago because he acted strange and left before completing his order. He said, "He says that the guy in the white car has been a customer here before on a different occasion. He says that he was in ordering for about two minutes, changed his mind, and comes through the drive-thru, and he believes that he was on drugs on that day because he's talking to the dog, asking the dog what the dog wants to eat, and he just took off."

Mr. [redacted] said Deputy Barraza was at the drive-thru window when he heard him yell, "Why did you hit my car." He said he looked out the window and saw Deputy Barraza open his car door. He said Deputy Barraza turned around and looked back at the Suspect. He said he could hear yelling back and fourth, but he could not make out what they were saying. He said he did not hear a collision, but could see the front of the white car was "right on" the rear of the green car.

Mr. [redacted] said, "He says that he couldn't understand what the guy in the white car was yelling at him, but the guy, the guy in the green car gets out of the vehicle, gives him the phone. He says, call 911. And that's when he sees him walk towards that other car."

Mr. [redacted] said Deputy Barraza gave him his cell phone told him to call 911 and tell them he is a cop. He said he did not call 911, but gave the cell phone to a [redacted] named [redacted] and told him to call 911. He said he looked out the window and could see Deputy Barraza's back. He said he could imagine the Suspect looked suspicious.

Mr. [redacted] said the Suspect had his front driver's side door open and had one foot on the ground. He said the Suspect's body was turned outward with his right hand on the steering wheel, as if he wanted to exit the car. He said the area between the Suspect's door and the wall of the restaurant is a close small space.

Mr. [redacted] said, "He says that he believes that the, the male in the green car end up showing him something, he believes was a badge. And the guy in the white car continued to, you know, tell him things. He doesn't know what it was though. He says that the guy in the white car was attempting to get out of the vehicle. And then the man in the green car continued to tell him, 'don't get out the car, don't get out the car.' He says that he heard the guy in the green car tell the man in the white car, 'don't move, don't move.' And the man in the white car, then he want to...he says that he could hear that he was trying to prevent him from getting out the vehicle, by, you know, closing the door. He doesn't know what his exact words are. He says that the male in the white car put his foot up by the door. And then the male in the green car wouldn't allow him to get out." He said Deputy Barraza used his foot and legs to press on the door, to prevent the Suspect from exiting the car.

Mr. [redacted] said he saw Deputy Barraza extending his arms toward the Suspect and he assumed Deputy Barraza was holding a gun, but he did not actually see a gun. He said he could not clearly see the Suspect, but heard him yelling at Deputy Barraza.

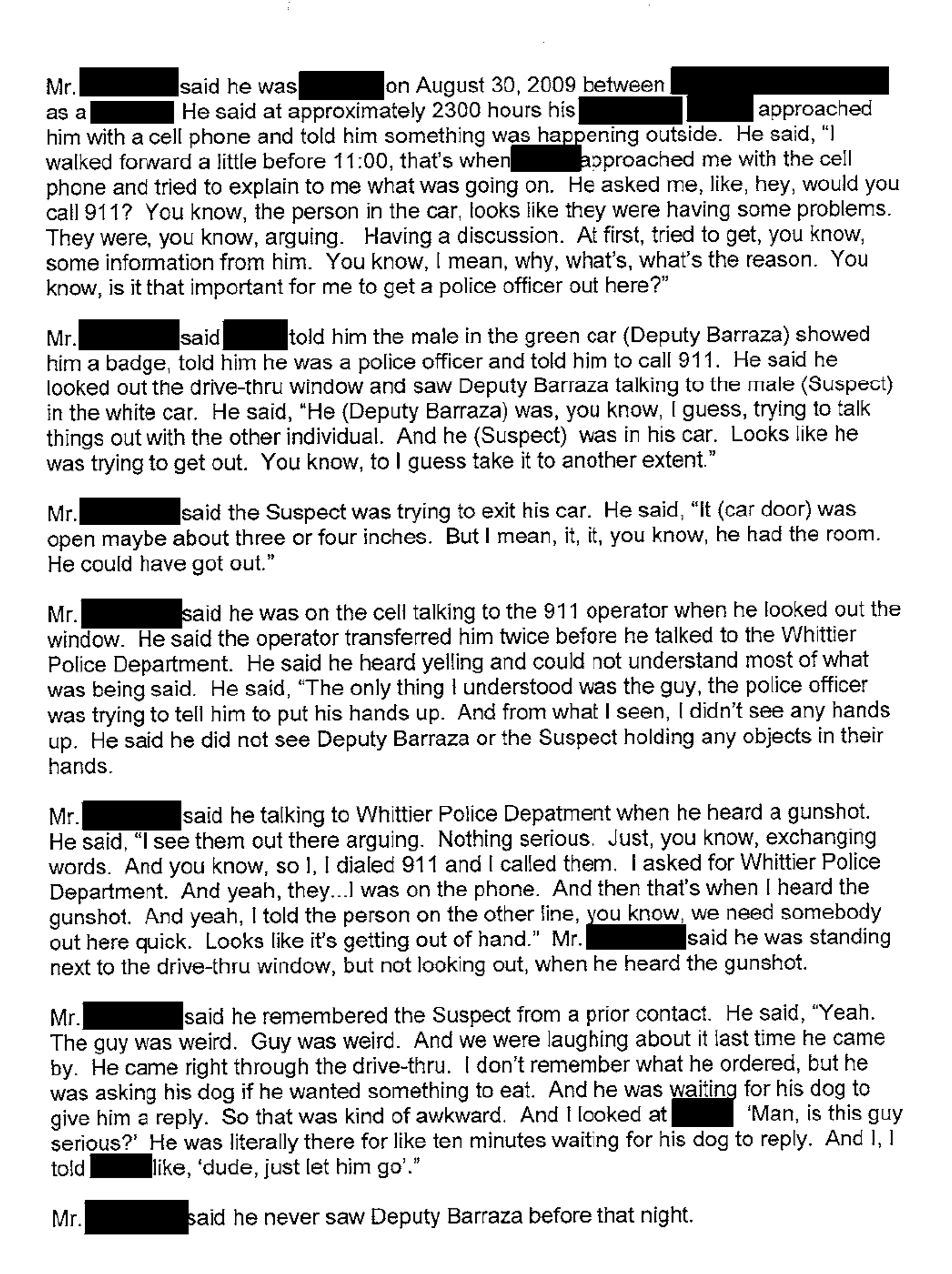
Mr. [redacted] said, "When he does that, he doesn't know at what point the male in the green car pulled out his weapon. But he could just hear the guy in the white car telling him, 'pull the trigger, pull the trigger.' As he was telling him to pull the trigger, he was attempting to exit the vehicle. And the Deputy continued to put his, keep his foot there on the door."

Mr. [redacted] said he was not looking out the window when he heard a gunshot. He said he looked out and saw the Suspect moving his hands up over his head and then back down several times. He said, "He says the guy in the white car continued to put his hands above his head and then down, and above his head and then down. He says that he doesn't know if he was gonna be, if he got shot or what. He didn't know what to do. He says that once he heard the, the gunshot, all he could see is the guy in the white car putting his head up and down, up and down. He didn't put his head out to see what was going on, but he did see a black and white pull into the driveway. And then I don't know. Okay. He says that once a black and white pulled to the drive-thru, he says that he stuck his head back out the window, and he saw the Deputy, you know, saying 'I'm a Deputy, I'm a Deputy.' And then WPD (Whittier Police Department). And then he says that the Deputy just started walking to the front by his own (car). And the other police officers were already there."

IAB Note: See Mr. [redacted] transcribed interview for further information.

[redacted]

Witness [redacted] was interviewed on August 31, 2009 at 0322 hours by Homicide Detective Ken Perry. The interview took place at Doublz restaurant and was recorded for review. The following is a summary of that interview.



Mr. [redacted] said he was [redacted] on August 30, 2009 between [redacted] as a [redacted] He said at approximately 2300 hours his [redacted] [redacted] approached him with a cell phone and told him something was happening outside. He said, "I walked forward a little before 11:00, that's when [redacted] approached me with the cell phone and tried to explain to me what was going on. He asked me, like, hey, would you call 911? You know, the person in the car, looks like they were having some problems. They were, you know, arguing. Having a discussion. At first, tried to get, you know, some information from him. You know, I mean, why, what's, what's the reason. You know, is it that important for me to get a police officer out here?"

Mr. [redacted] said [redacted] told him the male in the green car (Deputy Barraza) showed him a badge, told him he was a police officer and told him to call 911. He said he looked out the drive-thru window and saw Deputy Barraza talking to the male (Suspect) in the white car. He said, "He (Deputy Barraza) was, you know, I guess, trying to talk things out with the other individual. And he (Suspect) was in his car. Looks like he was trying to get out. You know, to I guess take it to another extent."

Mr. [redacted] said the Suspect was trying to exit his car. He said, "It (car door) was open maybe about three or four inches. But I mean, it, it, you know, he had the room. He could have got out."

Mr. [redacted] said he was on the cell talking to the 911 operator when he looked out the window. He said the operator transferred him twice before he talked to the Whittier Police Department. He said he heard yelling and could not understand most of what was being said. He said, "The only thing I understood was the guy, the police officer was trying to tell him to put his hands up. And from what I seen, I didn't see any hands up. He said he did not see Deputy Barraza or the Suspect holding any objects in their hands.

Mr. [redacted] said he talking to Whittier Police Depatment when he heard a gunshot. He said, "I see them out there arguing. Nothing serious. Just, you know, exchanging words. And you know, so I, I dialed 911 and I called them. I asked for Whittier Police Department. And yeah, they...I was on the phone. And then that's when I heard the gunshot. And yeah, I told the person on the other line, you know, we need somebody out here quick. Looks like it's getting out of hand." Mr. [redacted] said he was standing next to the drive-thru window, but not looking out, when he heard the gunshot.

Mr. [redacted] said he remembered the Suspect from a prior contact. He said, "Yeah. The guy was weird. Guy was weird. And we were laughing about it last time he came by. He came right through the drive-thru. I don't remember what he ordered, but he was asking his dog if he wanted something to eat. And he was waiting for his dog to give him a reply. So that was kind of awkward. And I looked at [redacted] 'Man, is this guy serious?' He was literally there for like ten minutes waiting for his dog to reply. And I, I told [redacted] like, 'dude, just let him go'."

Mr. [redacted] said he never saw Deputy Barraza before that night.

IAB Note: See Mr. [redacted] transcribed interview for further information.

[redacted]

Witness [redacted] was interviewed on August 31, 2009 at 0350 hours by Homicide Detective Ken Perry. The interview took place at Doublz restaurant and was recorded for review. The following is a summary of that interview. Mr. [redacted] spoke Spanish and Deputy Robert Cisneros #[redacted] acted as a translator during the interview.

Mr. [redacted] said he did not see anything. He said he was [redacted] when he noticed [redacted] was calling 911 and then he heard one gunshot. He said he did not hear any yelling coming from outside because of the loud exhaust fans and because the TV and music was on. He said he did not look outside

IAB Note: See Mr. [redacted] transcribed interview for further information.

[redacted]

Witness [redacted] was interviewed on August 31, 2009 at 0400 hours by Homicide Detective Ken Perry. The interview took place at Doublz restaurant and was recorded for review. The following is a summary of that interview. Mr. [redacted] spoke Spanish and Deputy Robert Cisneros #[redacted] acted as a translator during the interview.

Any quotes contributed to Mr. [redacted] in this summary will be quoted from the translator, Deputy Cisneros.

Mr. [redacted] said he was [redacted] as the [redacted] and he noticed that the food was not being passed out at the drive-thru window. He said [redacted] told him there was trouble outside and he also heard arguing coming from outside. He said, "I heard two individuals outside arguing, but couldn't understand what they were saying because they were talking in English. So then he asked what's going on, and then that's when [redacted] told him that there's two other guys arguing. And then, and then the guy in the rear was pushing the guy in front, or the front cars bumper. And then nothing more. But heard the gunshot. He said he heard the gunshot. One gunshot. I looked out the window after the shot."

Mr. [redacted] said before he heard the gunshot he looked out the drive-thru window. He said, "So he looks out and sees a Deputy standing next to the white car. He's saying that he actually looked before the gunshot, but he said he actually looked out the window before the first shot. But he didn't see anything. He didn't see the guy, couldn't see the gun 'cause the guy, I guess, was blocking him. He couldn't see anything else."

Mr. [redacted] said he did not see anyone with a gun or a badge. He said he only saw the Suspect seated in the white car with one of his hands up in the air. He said Deputy Barraza blocked his view the of the Suspect. He said he later saw the police arrive. He said he did not know Deputy Barraza was a Deputy Sheriff until later.

IAB Note: See Mr. [redacted] transcribed interview for further information.

IAB Note: See Exhibit "A" pages 41-45 for Homicide's summary for all of the civilian witness statements.

<u>**SUSPECT'S STATEMENTS**</u>

Suspect Sandoval was interviewed on October 21, 2009 at approximately 1442 hours by Homicide Detectives Karen Shonka and Wayne Holston. The interview took place at Saint Francis Hospital and was recorded for review. The following is a summary of that interview.

Suspect Sandoval said on the day of the incident he was working from home and had drank three to four 24 ounce beers during the evening. He said he is a free lance video production worker. He said between 1800-1900 hours and after drinking two beers, he went to the store to buy more beer. He said he bought and drank two more beers.

IAB Note: See "A" pages 66 and 67 for a supplemental report by Risk Management Sergeant, Albert Schauberger. The reported noted the Suspect's blood alcohol level was measured at approximately .25 on the night of the incident.

Suspect Sandoval said at approximately 2200-2300 hours he became hungry and drove to Doublz Restaurant. He said he has ordered food from Doublz' several times before. He said he drove into the drive-thru and ordered his food.

Suspect Sandoval said he drove further in the drive-thru lane and stopped behind another vehicle which he thought was a SUV. He said he did not hit the SUV , but did remember backing up his car at some point.

Suspect Sandoval said he was waiting behind the SUV when the driver (Deputy Barraza) exited the SUV holding a pistol in his right hand. He said he thought the pistol was a "Glock". He said Deputy Barraza walked toward him and pointed the pistol at him. He said the driver identified himself as a Deputy Sheriff, but he did not remember seeing a badge.

Suspect Sandoval said Deputy Barraza ordered him to exit his vehicle, in which he complied. He said he exited his car and stood outside the driver's side door. He said Deputy Barraza asked him if he had an weapons and he removed his folding pocket knife from his waistband. He said the knife was closed and he showed it to Deputy Barraza.

IAB Note: No witnesses or Deputy Barraza said the Suspect ever exited his vehicle.

Suspect Sandoval said he was angry Deputy Barraza was pointing a pistol at him and he told Deputy Barraza to "go ahead and pull it". He said he started to place his knife back in his rear pocket and to enter his vehicle when he was shot.

Suspect Sandoval said Deputy Barraza was standing approximately one and a half car lengths away from him when Deputy Barraza shot at and struck him three times in his abdomen. He said he never made it back into his car. He said he looked down at his wounds and said, "you fucked up dude." Suspect Sandoval said that was the last thing he remembered. He said he heard three gunshots, stating he heard, "pop, pop, pop."

IAB Note: The Suspect placed Deputy Barraza standing one and a half car lengths in front of him. That position would place Deputy Barraza in front of his (Barraza) vehicle at the time of the shooting. At no time did any witnesses see Deputy Barraza standing in front of his vehicle.

Suspect Sandoval said he did not provoke Deputy Barraza. He said obviously, Deputy Barraza thought he was a threat to him, but he said he did not spit at or throw any items at Deputy Barraza.

IAB Note: See Exhibit "A" pages 62- 64 for Homicides summary of their interview.

IAB Note: See Exhibit "C" for a CD containing all of Homicides recorded interviews.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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August 16, 2010

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 09-0557
L.A.S.D. File # 009-00094-3199-056

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 30, 2009, non-fatal shooting of Louis Sandoval by off-duty Los Angeles County Sheriff's Department (LASD) Deputy Michael Barraza. We have concluded that Deputy Barraza acted in lawful self-defense.

The following analysis is based upon reports submitted to this office on June 15, 2010 by Detective Karen Shonka of the Los Angeles County Sheriff's Department-Homicide Bureau. The District Attorney's Command Center was notified of this shooting on August 31, 2009, at approximately 12:05 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator [redacted] responded and was given a briefing and walk-through of the scene by LASD Lieutenant Patrick Nelson. No departmentally compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On August 30, 2009, at approximately 10:57 p.m., off-duty LASD Deputy Michael Barraza drove to Doublz restaurant, located at 11242 Washington Boulevard in Whittier. He placed his order at the drive-thru intercom and proceeded to the pick up window. As he waited, a white Volvo sedan, driven by Luis Sandoval, pulled in behind him.[1]

[1] Barraza had worked two shifts that day. His shift at Twin Towers ended that day at 9 p.m. He was in plain clothes at the time of this incident.

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As Barraza waited, Sandoval twice intentionally bumped his car into Barraza's car, a Mitsubishi Galant sedan. The second crash was more forceful than the first, and the impact caused minor damage to both cars' bumpers. Barraza yelled back at Sandoval, telling him that he hit his car. Sandoval opened his door and placed one foot on the ground outside of his car. Sandoval replied "what the fuck are you going to do?" Barraza, concerned, secured his Beretta 9mm handgun in his waistband and exited his car. Barraza handed his cell phone to Doublz [redacted] identified himself as a LASD Deputy, and told [redacted] to call 9-1-1. [redacted] handed the cell phone to another [redacted] who reported this incident to 9-1-1.

As [redacted] was speaking to the 911 operator, Barraza walked to the driver's side rear of his vehicle. At that time, Barraza saw that Sandoval was holding a closed folding knife in his right hand. Sandoval's door was still ajar and his left foot was still placed outside of his car. Barraza, feeling threatened by this situation, drew his firearm, pointed it at Sandoval, and ordered Sandoval to put down the knife. Sandoval ignored the order and waved the knife back and forth over the dashboard. Barraza then identified himself as a deputy sheriff both verbally and by displaying his badge and again ordered Sandoval to put down the knife.

At approximately this time, a third car driven by a woman pulled into the drive-thru directly behind Sandoval. Barraza motioned to the female driver to back away from the area, which she did promptly. This woman went across the street to a Jack in the Box restaurant. There, she flagged down Whittier Police Officers [redacted] and [redacted] She told the officers that there was a police officer in the Doublz parking lot that had his gun out and needed help. Officer [redacted] drove across the street to help.

After several orders, Sandoval placed his knife on the passenger seat of the vehicle. Sandoval spit on Barraza two or three times, said "fuck you," and told him to squeeze, not just pull, the trigger. His behavior was belligerent and he appeared to be either mentally unstable or under the influence of a drug. Sandoval then dropped his hands toward his waistband area. Barraza, concerned, ordered Sandoval to put his hands in plain view. Sandoval continued to move around. Barraza ordered Sandoval to exit the car in order to maintain a better visual on him. Sandoval did not exit the car and Barraza continued to order him to do so.

Deputy Barraza placed his badge on the hood of Sandoval's car and gripped his handgun with both hands. Sandoval continued to verbally harass Barraza and lowered his hands to his waist area and then raised them up. Barraza, fearful, told Sandoval that if he lowered his hands out of Barazza's view again, he would shoot him. Sandoval suddenly moved his right hand to his right waist area. Barraza, scared that Sandoval was retrieving a gun, fired one shot at Sandoval, wounding him in the upper left chest. Sandoval raised both hands in compliance.

As Whittier Police Officer [redacted] was pulling in behind the Doublz parking lot, he heard one gunshot. Officer [redacted] yelled out three times "Whittier Police. Identify yourself." Barraza yelled back that he was a deputy and that he needed help. Officer [redacted] looked down the drive-thru lane and saw Barraza outside of his car with his gun in one hand and his badge in the other. Barraza stated "I'm a deputy. He was going for his waistband. He has a knife. I just shot him." Officer

[redacted] told Barraza to walk to the front of the driveway, where Officer [redacted] was waiting for him. Barraza complied and Officer [redacted] took control of the situation.

Whittier police officers rendered aid to Sandoval until the ambulance arrived. While being transported via ambulance to Saint Francis Hospital, Sandoval was cantankerous and resistive, telling the paramedics to let him die and that he was going to get that guy. Sandoval was treated for a single gunshot wound to his chest and survived his injuries. His blood alcohol level measured .25%.

Barazza's gun was a Beretta 92FS semiautomatic pistol with the capacity to hold fifteen rounds in the magazine and one in the chamber. When analyzed after the shooting, the firearm contained fourteen rounds in the magazine and one in the chamber. A single casing was located on the ground near the driver's side rear of Barraza's car. Sandoval's knife was recovered from the front passenger seat of his car.

On October 21, 2009, Detectives Karen Shonka and Wayne Holston interviewed Sandoval, who was still hospitalized. Sandoval told the detectives that on the evening he was shot, he had drunk three or four 24 ounce beers. At around ten or eleven o'clock, he drove to Doublz and ordered at the drive-thru window. He stopped behind an SUV, which was waiting at the pick up window. At some point, the driver of the SUV exited his car, walked back towards him, and pointed a pistol at him. The driver verbally identified himself as a deputy and ordered Sandoval out of the car. Sandoval exited his car and stood outside the driver's door. The deputy asked Sandoval if he had any weapons. Sandoval removed his folding knife and showed it to him. Sandoval then told the deputy to "squeeze the trigger" and the deputy fired at him, striking him three times in the abdomen. Sandoval told the detectives that he did nothing to provoke the deputy, but that the deputy "obviously" thought he was a threat to him.

Sandoval was 38 years old at the time of this incident. He is 6'4" tall and weighs 220 pounds. His criminal history [redacted] in 1990 and [redacted] His [redacted] told investigators that Sandoval has a history of getting drunk and acting abusively with neighbors. On April 26, 2008 he was [redacted] On October 9, 2009, the District Attorney's Office, Whittier Branch, charged Sandoval with the following misdemeanor violations: Penal Code section 245(a)(1), assault with a deadly weapon; Penal Code section 243(b), Battery against a Peace Officer; Vehicle Code section 23152(a), Driving Under the Influence; Vehicle Code section 23152(b), Driving with a .08% or Higher Blood Alcohol Level; and Vehicle Code section 14601.2, Driving on a Suspended License. On July 27, 2010 Sandoval was convicted of Vehicle Code sections 23152(b) and 14601.2 and sentenced to three years summary probation and 45 days county jail.

CONCLUSION

According to the law in California, a person acts in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury, (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger, and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM 505.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

The evidence examined in this investigation shows that Louis Sandoval assaulted off-duty Deputy Michael Barraza by ramming his car into Barraza's car. Barraza, fearful, exited his car and asked an [redacted] of Doublz to call the authorities and ask for help. While waiting for help to arrive, Sandoval was argumentative, appeared unstable, and brandished a knife at Barraza. Barraza, still in fear, removed his pistol, pointed it at Sandoval, and repeatedly order him to put down the knife. After complying, Sandoval reached for his waistband several times. Barraza warned Sandoval that if he placed his hands out of Barraza's view, Barraza would shoot him. Sandoval quickly reached his right hand for his waist. Barraza, afraid that Sandoval was arming himself with a gun and in fear for his life, fired one round at Sandoval, wounding him.

We conclude that off-duty LASD Deputy Michael Barraza was placed in reasonable fear of imminent danger of death or great bodily injury by Louis Sandoval's actions and acted lawfully in self-defense when he used deadly force against Sandoval. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Amy Pellman Pentz

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Deputy District Attorney
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c: Deputy Michael Barraza [redacted]